

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- X  
:  
JOEL TAVERA, et al.,  
:  
Plaintiffs,  
:  
v.  
18-cv-07312-LDH-SJB  
("Tavera")  
:  
HSBC BANK USA, N.A., et al.,  
:  
Defendants.  
:  
----- X

**STIPULATION AND [PROPOSED] ORDER**

Plaintiffs, the Stipulating Defendants<sup>1</sup> and Defendant Crédit Agricole S.A. ("CASA"), through their respective undersigned counsel, hereby stipulate and agree as follows:

WHEREAS a Complaint against certain of the Stipulating Defendants in matter 14 Civ. 06601 (PKC-CLP) ("*Freeman I*") was filed on November 10, 2014, an Amended Complaint was filed on April 2, 2015, *Freeman I* ECF No. 77, and a Second Amended Complaint was filed on July 12, 2016, *Freeman I* ECF No. 110;

WHEREAS the Court entered an order staying discovery in *Freeman I* on January 16, 2015, *Freeman I* ECF No. 37;

WHEREAS the Stipulating Defendants named in the Second Amended Complaint in

---

<sup>1</sup> The Stipulating Defendants are HSBC Bank USA, N.A.; HSBC Holdings plc; HSBC Bank plc; HSBC Bank Middle East Limited; HSBC North America Holdings, Inc.; Barclays Bank PLC; Barclays Bank PLC, New York Branch; Standard Chartered Bank; Standard Chartered Bank, New York Branch; The Royal Bank of Scotland N.V.; The Royal Bank of Scotland plc; The Royal Bank of Scotland plc, New York Branch; Credit Suisse AG; Credit Suisse AG, New York Branch; BNP Paribas S.A.; BNP Paribas S.A., New York Branch; Deutsche Bank AG; Deutsche Bank AG, New York Branch; Crédit Agricole Corporate & Investment Bank; Crédit Agricole Corporate & Investment Bank, New York Branch; Commerzbank AG; Commerzbank AG, New York Branch.

*Freeman I* filed a motion to dismiss on November 10, 2016, *Freeman I* ECF No. 120;

WHEREAS Plaintiffs filed a Complaint against the Stipulating Defendants and Defendant CASA in the above-captioned matter (“*Tavera*”) on December 21, 2018;

WHEREAS the parties in this action entered into a stipulation, which provided that (1) all proceedings in *Tavera* with respect to the Stipulating Defendants and Defendant CASA, including service of the Complaint, should be stayed until 30 days after the Court’s decision on the motion to dismiss in *Freeman I*; (2) upon termination of the stay, service on the Stipulating Defendants with judicial process in *Tavera* in the manner provided by Federal Rule of Civil Procedure 4 will not be required; (3) the Stipulating Defendants otherwise retain all defenses and objections in *Tavera* except those related to service; and (4) the parties would confer in good faith regarding the most fair and efficient way to proceed following the Court’s decision on the motion to dismiss in *Freeman I*;

WHEREAS the Court granted the motion to dismiss the *Freeman I* Second Amended Complaint on September 16, 2019, *Freeman I* ECF No. 237;

WHEREAS Plaintiffs filed a motion for partial reconsideration on September 26, 2019, *Freeman I* ECF No. 239;

WHEREAS the Stipulating Defendants, Defendant CASA and Plaintiffs have conferred, and agree that the stay should be continued pending the Court’s decision on Plaintiffs’ motion for partial reconsideration in *Freeman I*.

IT IS HEREBY STIPULATED BY AND BETWEEN the undersigned counsel as follows:

1. The Stipulating Defendants’ and Defendant CASA’s time to move or answer in response to the *Tavera* Complaint or any *Tavera* amended complaint, and all further proceedings in *Tavera* related to the Stipulating Defendants and Defendant CASA, will be stayed until 30

days after the later of (1) the Court's ruling on the motion for partial reconsideration in *Freeman I* or, (2) if the Court schedules a status conference following the ruling, the date of that status conference.

2. Following the later of (1) a decision on the motion for partial reconsideration in *Freeman I*, or (2) a status conference following the ruling on the motion for partial reconsideration in *Freeman I*, the parties will confer in good faith regarding the most fair and efficient way to proceed in light of such ruling, with all parties' rights in this regard fully reserved.

IT IS FURTHER STIPULATED BY AND BETWEEN the undersigned counsel that, except as provided above, nothing in this Stipulation shall waive any right or defense of any party, all of which rights and defenses are expressly reserved.

Dated: October 17, 2019

THE NATIONS LAW FIRM

by



Howard L. Nations  
3131 Briarpark Drive, Suite 208  
Houston, Texas 77042  
(713) 807-8400  
howard@howardnations.com

*Attorneys for the Tavera Plaintiffs*

BURG SIMPSON ELDREDGE HERSH & JARDINE, P.C.

by

Seth A. Katz  
40 Inverness Drive East  
Englewood, Colorado 80112  
(303) 792-5595  
skatz@burgsimpson.com

*Attorneys for the Tavera Plaintiffs*

days after the later of (1) the Court's ruling on the motion for partial reconsideration in *Freeman I* or, (2) if the Court schedules a status conference following the ruling, the date of that status conference.

2. Following the later of (1) a decision on the motion for partial reconsideration in *Freeman I*, or (2) a status conference following the ruling on the motion for partial reconsideration in *Freeman I*, the parties will confer in good faith regarding the most fair and efficient way to proceed in light of such ruling, with all parties' rights in this regard fully reserved.

IT IS FURTHER STIPULATED BY AND BETWEEN the undersigned counsel that, except as provided above, nothing in this Stipulation shall waive any right or defense of any party, all of which rights and defenses are expressly reserved.

Dated: October 17, 2019

THE NATIONS LAW FIRM

by

---

Howard L. Nations  
3131 Briarpark Drive, Suite 208  
Houston, Texas 77042  
(713) 807-8400  
howard@howardnations.com

*Attorneys for the Tavera Plaintiffs*

BURG SIMPSON ELDREDGE HERSH  
& JARDINE, P.C.

by

---

Seth A. Katz  
40 Inverness Drive East  
Englewood, Colorado 80112  
(303) 792-5595  
skatz@burgsimpson.com

*Attorneys for the Tavera Plaintiffs*

SULLIVAN & CROMWELL LLP

by



Michael T. Tomaino, Jr.  
Jeffrey T. Scott  
Jonathan M. Sedlak  
125 Broad Street  
New York, NY 10004  
(212) 558-4000  
[tomainom@sullcrom.com](mailto:tomainom@sullcrom.com)  
[scottj@sullcrom.com](mailto:scottj@sullcrom.com)  
[sedlakj@sullcrom.com](mailto:sedlakj@sullcrom.com)

*Attorneys for Defendants Barclays Bank PLC,  
Barclays Bank PLC, New York Branch*

SULLIVAN & CROMWELL LLP,

by

Joseph E. Neuhaus  
Alexander J. Willscher  
125 Broad Street  
New York, NY 10004  
(212) 558-4000  
[neuhausj@sullcrom.com](mailto:neuhausj@sullcrom.com)  
[willschera@sullcrom.com](mailto:willschera@sullcrom.com)  
[grossa@sullcrom.com](mailto:grossa@sullcrom.com)

*Attorneys for Defendants Crédit Agricole  
S.A., Crédit Agricole Corporate & Investment  
Bank, Crédit Agricole Corporate &  
Investment Bank, New York Branch*

CLEARY GOTTLIEB STEEN &  
HAMILTON LLP

by

Jonathan I. Blackman  
Carmine D. Boccuzzi, Jr.  
Alexis Collins  
One Liberty Plaza  
New York, NY 10006  
(212) 225-2000  
[jblackman@cgsh.com](mailto:jblackman@cgsh.com)  
[cbooccuzzi@cgsh.com](mailto:cbooccuzzi@cgsh.com)  
[alcollins@cgsh.com](mailto:alcollins@cgsh.com)

*Attorneys for Defendants Commerzbank AG,  
Commerzbank AG, New York Branch, BNP  
Paribas S.A., BNP Paribas S.A., New York  
Branch*

SULLIVAN & CROMWELL LLP

by

Sharon L. Nelles  
Andrew J. Finn  
125 Broad Street  
New York, NY 10004  
(212) 558-4000  
[nelless@sullcrom.com](mailto:nelless@sullcrom.com)  
[finna@sullcrom.com](mailto:finna@sullcrom.com)

*Attorney for Defendants Standard Chartered  
Bank, Standard Chartered Bank, New York  
Branch*

SULLIVAN & CROMWELL LLP

by

---

Michael T. Tomaino, Jr.  
Jeffrey T. Scott  
Jonathan M. Sedlak  
125 Broad Street  
. New York, NY 10004  
(212) 558-4000  
tomainom@sullcrom.com  
scottj@sullcrom.com  
sedlakj@sullcrom.com

*Attorneys for Defendants Barclays Bank PLC,  
Barclays Bank PLC, New York Branch*

SULLIVAN & CROMWELL LLP,

by

---

Joseph E. Neuhaus  
Alexander J. Willscher  
125 Broad Street  
New York, NY 10004  
(212) 558-4000  
neuhausj@sullcrom.com  
willschera@sullcrom.com  
grossa@sullcrom.com

*Attorneys for Defendants Crédit Agricole  
S.A., Crédit Agricole Corporate & Investment  
Bank, Crédit Agricole Corporate &  
Investment Bank, New York Branch*

CLEARY GOTTLIEB STEEN &  
HAMILTON LLP

by

---

Jonathan I. Blackman  
Carmine D. Boccuzzi, Jr.  
Alexis Collins  
One Liberty Plaza  
New York, NY 10006  
(212) 225-2000  
jblackman@cgsh.com  
cboccuzzi@cgsh.com  
alcollins@cgsh.com

*Attorneys for Defendants Commerzbank AG,  
Commerzbank AG, New York Branch, BNP  
Paribas S.A., BNP Paribas S.A., New York  
Branch*

SULLIVAN & CROMWELL LLP

by

---

Sharon L. Nelles  
Andrew J. Finn  
125 Broad Street  
New York, NY 10004  
(212) 558-4000  
nelless@sullcrom.com  
finna@sullcrom.com

*Attorney for Defendants Standard Chartered  
Bank, Standard Chartered Bank, New York  
Branch*

SULLIVAN & CROMWELL LLP

by

Michael T. Tomaino, Jr.  
Jeffrey T. Scott  
Jonathan M. Sedlak  
125 Broad Street  
New York, NY 10004  
(212) 558-4000  
tomainom@sullcrom.com  
scottj@sullcrom.com  
sedlakj@sullcrom.com

*Attorneys for Defendants Barclays Bank PLC,  
Barclays Bank PLC, New York Branch*

SULLIVAN & CROMWELL LLP,

by

Joseph E. Neuhaus  
Alexander J. Willscher  
125 Broad Street  
New York, NY 10004  
(212) 558-4000  
neuhausj@sullcrom.com  
willschera@sullcrom.com  
grossa@sullcrom.com

*Attorneys for Defendants Crédit Agricole  
S.A., Crédit Agricole Corporate & Investment  
Bank, Crédit Agricole Corporate &  
Investment Bank, New York Branch*

CLEARY GOTTLIEB STEEN &  
HAMILTON LLP

by

Jonathan I. Blackman  
Carmine D. Boccuzzi, Jr.  
Alexis Collins  
One Liberty Plaza  
New York, NY 10006  
(212) 225-2000  
jblackman@cgsh.com  
cboccuzzi@cgsh.com  
alcollins@cgsh.com

*Attorneys for Defendants Commerzbank AG,  
Commerzbank AG, New York Branch, BNP  
Paribas S.A., BNP Paribas S.A., New York  
Branch*

SULLIVAN & CROMWELL LLP

by

Sharon L. Nelles  
Andrew J. Finn  
125 Broad Street  
New York, NY 10004  
(212) 558-4000  
nelless@sullcrom.com  
finna@sullcrom.com

*Attorney for Defendants Standard Chartered  
Bank, Standard Chartered Bank, New York  
Branch*

SULLIVAN & CROMWELL LLP

by

Michael T. Tomaino, Jr.  
Jeffrey T. Scott  
Jonathan M. Sedlak  
125 Broad Street  
New York, NY 10004  
(212) 558-4000  
tomainom@sullcrom.com  
scottj@sullcrom.com  
sedlakj@sullcrom.com

*Attorneys for Defendants Barclays Bank PLC,  
Barclays Bank PLC, New York Branch*

SULLIVAN & CROMWELL LLP,

by

Joseph E. Neuhaus  
Alexander J. Willscher  
125 Broad Street  
New York, NY 10004  
(212) 558-4000  
neuhausj@sullcrom.com  
willschera@sullcrom.com  
grossa@sullcrom.com

*Attorneys for Defendants Crédit Agricole  
S.A., Crédit Agricole Corporate & Investment  
Bank, Crédit Agricole Corporate &  
Investment Bank, New York Branch*

CLEARY GOTTLIEB STEEN &  
HAMILTON LLP

by

Jonathan I. Blackman  
Carmine D. Boccuzzi, Jr.  
Alexis Collins  
One Liberty Plaza  
New York, NY 10006  
(212) 225-2000  
jblackman@cgsh.com  
cboccuzzi@cgsh.com  
alcollins@cgsh.com

*Attorneys for Defendants Commerzbank AG,  
Commerzbank AG, New York Branch, BNP  
Paribas S.A., BNP Paribas S.A., New York  
Branch*

SULLIVAN & CROMWELL LLP

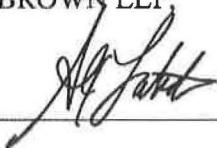
by

Sharon L. Nelles  
Andrew J. Finn  
125 Broad Street  
New York, NY 10004  
(212) 558-4000  
nelless@sullcrom.com  
finna@sullcrom.com

*Attorney for Defendants Standard Chartered  
Bank, Standard Chartered Bank, New York  
Branch*

MAYER BROWN LLP,

by



Marc R. Cohen  
Alex C. Lakatos  
1999 K Street, N.W.  
Washington, DC 20006  
(202) 263-3000  
mcohen@mayerbrown.com  
alakatos@mayerbrown.com

CLIFFORD CHANCE US LLP,

by

Robert G. Houck  
Michael G. Lightfoot  
31 West 52nd Street  
New York, NY 10019-6131  
(212) 878-8000  
robert.houck@cliffordchance.com  
michael.lightfoot@cliffordchance.com

Katie Barlow  
2001 K Street NW  
Washington, DC 20006-1001  
(202) 912-5000  
Katie.Barlow@cliffordchance.com

*Attorneys for Defendants Credit Suisse AG,  
Credit Suisse AG, New York Branch*

*Attorneys for Defendants Royal Bank of  
Scotland N.V., Royal Bank of Scotland plc,  
Royal Bank of Scotland plc, New York Branch*

MAYER BROWN LLP

by



Mark G. Hanchet  
Robert W. Hamburg  
1221 Avenue of the Americas  
New York, NY 10020-1001  
(212) 506-2500  
mhanchet@mayerbrown.com  
rhamburg@mayerbrown.com

*Attorneys for Defendants HSBC Holdings plc,  
HSBC Bank plc, HSBC Bank Middle East  
Limited, HSBC North America Holdings, Inc.,  
HSBC Bank USA, N.A.*

MAYER BROWN LLP,  
by

Marc R. Cohen  
Alex C. Lakatos  
1999 K Street, N.W.  
Washington, DC 20006  
(202) 263-3000  
[mcohen@mayerbrown.com](mailto:mcohen@mayerbrown.com)  
[alakatos@mayerbrown.com](mailto:alakatos@mayerbrown.com)

CLIFFORD CHANCE US LLP,

by

Robert G. Houck  
Michael G. Lightfoot  
31 West 52nd Street  
New York, NY 10019-6131  
(212) 878-8000  
[robert.houck@cliffordchance.com](mailto:robert.houck@cliffordchance.com)  
[michael.lightfoot@cliffordchance.com](mailto:michael.lightfoot@cliffordchance.com)

Katie Barlow  
2001 K Street NW  
Washington, DC 20006-1001  
(202) 912-5000  
[Katie.Barlow@cliffordchance.com](mailto:Katie.Barlow@cliffordchance.com)

*Attorneys for Defendants Credit Suisse AG,  
Credit Suisse AG, New York Branch*

*Attorneys for Defendants Royal Bank of  
Scotland N.V., Royal Bank of Scotland plc,  
Royal Bank of Scotland plc, New York Branch*

MAYER BROWN LLP

by

Mark G. Hanchet  
Robert W. Hamburg  
1221 Avenue of the Americas  
New York, NY 10020-1001  
(212) 506-2500  
[mhanchet@mayerbrown.com](mailto:mhanchet@mayerbrown.com)  
[rhamburg@mayerbrown.com](mailto:rhamburg@mayerbrown.com)

*Attorneys for Defendants HSBC Holdings plc,  
HSBC Bank plc, HSBC Bank Middle East  
Limited, HSBC North America Holdings, Inc.,  
HSBC Bank USA, N.A.*

COVINGTON & BURLING LLP

by



John E. Hall  
Mark P. Gimbel  
The New York Times Building  
620 Eighth Avenue  
New York, New York 10018  
(212) 841-1000  
[jhall@cov.com](mailto:jhall@cov.com)  
[mgimbel@cov.com](mailto:mgimbel@cov.com)

David M. Zions  
One City Center  
850 Tenth Street NW  
Washington, DC 20001  
(202) 662-6000  
[dzions@cov.com](mailto:dzions@cov.com)

*Attorneys for Defendants Deutsche Bank AG,  
Deutsche Bank AG, New York Branch*

IT IS SO ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_, 2019:

---

LaShann DeArcy Hall  
United States District Court Judge